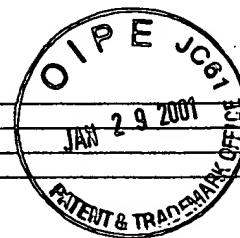


**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: JIVENDRA K. KALE et al.  
 Application or Patent No.: 09/672,116  
 Filed or Issued: September 27, 2000  
 Title: INVESTMENT PORTFOLIO CONSTRUCTION METHOD AND SYSTEM



I hereby declare that I am:

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Financiometrics, Inc.  
 Address of Small Business Concern: 208 Moraga Way  
Orinda, CA 94563

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INVESTMENT PORTFOLIO CONSTRUCTION METHOD AND SYSTEM by inventor(s) Jivendra K. Kale and Michael J. Best described in:

- ☐ the specification filed herewith;  
☒ Application No. 09/672,116, filed September 27, 2000;  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(e) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

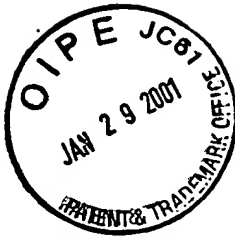
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Jivendra K. Kale  
 Title of Person if Other than Owner: President  
 Address of Person Signing: 208 Moraga Way  
Orinda, CA 94563

Signature: Jivendra K. Kale

Date: Jan. 19, 2001



(3)

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **INVESTMENT PORTFOLIO CONSTRUCTION METHOD AND SYSTEM** the specification of which was filed on September 27, 2000 as Application No. 09/672,116.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/156,271	September 27, 1999

I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Richard T. Ogawa, Reg. No. 37,692  
Stephen Y. Pang, Reg. No. 38,575

Send Correspondence to: Richard T. Ogawa TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Richard T. Ogawa Reg. No.: 37,692 Telephone: 650-326-2400
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Full Name of Inventor 1:	Last Name: KALE	First Name: JIVENDRA	Middle Name or Initial: K.
Residence & Citizenship:	City: Orinda	State/Foreign Country: California	Country of Citizenship: United States
Post Office Address:	Post Office Address: 208 Moraga Way	City: Orinda	State/Country: California
			Postal Code: 94563
Full Name of Inventor 2:	Last Name: BEST	First Name: MICHAEL	Middle Name or Initial: J.
Residence & Citizenship:	City: Waterloo, Ontario	State/Foreign Country: Canada	Country of Citizenship: Canada
Post Office Address:	Post Office Address: 533 Leighland Drive	City: Waterloo, Ontario	State/Country: Canada
			Postal Code: N2T 2H4

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 <u>Jivendra K. Kale</u> Jivendra K. Kale	Signature of Inventor 2 <u>Michael J. Best</u> Michael J. Best
Date <u>Jan. 18, 2001</u>	Date <u>Jan 18 / 2001</u>

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